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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/324,123 06/02/99 YAMAZAKI

Y 1110-0238P

002292 MMC2/0309  
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EXAMINER

KIM.P

ART UNIT

PAPER NUMBER

2851

DATE MAILED:

03/09/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
09/324,123

Applicant(s)  
Yamazaki

Examiner  
PETER KIM

Group Art Unit  
2851



☒ Responsive to communication(s) filed on Jan 23, 2001

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.133(a).

## Disposition of Claims

☒ Claim(s) 1-18 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-18 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been

☒ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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### DETAILED ACTION

1. Applicant's arguments filed on 1/23/01 (paper #7) have been fully considered.

#### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claims 1-6, 8-13, and 15-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Kubo et al. (Kubo).

Kubo discloses in Figures 2, 4 and columns 16-22, an image reading method and apparatus for reading an original image by prescan, setting reading conditions and performing fine scan, analyzing both data of a preset area or the trimming area of the original image for both the prescanned data and the fine scanned data, calculating a correction condition and processing the fine scanned data. Kubo also discloses image characteristic values of an average density.

4. Claims 1, 8, 9, 12, 13 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Luther et al. (Luther) (6,005,680).

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Luther discloses in the abstract, an image reading method and means for performing a first scan of an image, performing a second scan of the image and generating a correction condition based on the first and second scanning data.

5. Claims 1, 8, 9, 12, 13 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Benker et al. (Benker) (4,987,440).

Benker discloses in columns 3-5, an image reading method and means for performing a first scan of an image, performing a second scan of the image and generating a correction condition based on the first and second scanning data.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 7, 14 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kubo et al. (Kubo) in view of Sakaguchi.

Kubo discloses the claimed invention as discussed above. Although Kubo does not disclose separate memory for first scan and second scan data, Kubo's invention does store data from different scans. However, Kubo does not disclose using the prescanned and fine scanned data to calculate correction data for dark and shading correction. Sakaguchi discloses an image reading method and apparatus for reading an original image by prescanning and fine scanning

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which used the data for dark correction and shading correction. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide the method of using the data for dark and shading correction to the invention of Kubo in view of Sakaguchi in order to provide plurality of prints from a plurality of images without deterioration of the images.

*Remarks*

8. Applicant argues that Kubo makes correction before fine scan, however, in column 22, Kubo discloses that correction is made after the fine scanning.


*Conclusion*

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Kim whose telephone number is (703) 305-0105. The examiner can normally be reached on Monday-Thursday from 6:30 AM to 4:00 PM. The examiner can also be reached on alternate Fridays during the same hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Russ Adams, can be reached on (703) 308-2847. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

PBK  
PBK

02/28/01

  
Russell Adams  
Primary Examiner